

**Jason Hassay**

**From:** Ray Martinez  
**Sent:** Sunday, January 23, 2011 6:38 PM  
**To:** Amber Hausenfluck; Harold Cook; David Edmonson  
**Cc:** Jason Hassay; Debra Gonzales; Steve Scheibal; Will Krueger; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever\_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith  
**Subject:** RE: Amendments request por favor?

Based on the emails, it appears everyone is working on a variety of these below. Here's what we're looking at:

1. **Affidavit bypass amendments** – Michigan has an affidavit bypass option, where voters who show up at the polls without required photo ID can sign under penalty of perjury and cast a regular (not provisional) ballot. Also, in Florida, voters who don't have required ID cast a provisional ballot but those ballots are counted if the voter signature matches those on the voter rolls. The final affidavit- bypass option is to allow a voter who does not have photo ID to cast a regular ballot if they provide one or two forms of non-photo ID.
2. **Franchise-expanding amendments** – From the various emails, it looks like other offices are already working on a good list of amendments in this category. One idea we're looking at is automated transmission of registration information. Texas is now one of at least 10 states that has at least partially automated the registration process between DPS and election officials. What that means is that the agency transmits at least some registration information electronically, eliminating the need for local data entry. One idea would be to expand this automated registration process to social service agencies, including those agencies serving individuals on public assistance.
3. **Making ID's more widely available** – SB 14 is modeled after the Indiana voter ID bill. The U.S. Supreme Court, in upholding the Indiana photo ID bill, made it clear that there could still be statutory and/or constitutional violations in certain situations as the law is implemented. I am assuming Republicans will argue that since the Indiana law has been given Supreme Court approval, it must be good law. So, the idea is to emphasize how the differences in applying the "Indiana law" to Texas will lead to violations of the Voting Rights Act or even constitutional principles. For example, when one compares "rural" Indiana to "rural" Texas, there are, needless-to-say, significant differences particularly in the vast distance between voters and access to a DPS office where they can obtain a photo ID. Based on our Friday meeting, I believe several offices are already working on ideas in this category, such as requiring enough DPS offices to make it easier to obtain an ID, as well as requiring extended hours for DPS offices, including early mornings, evenings and weekends, especially in the period leading up to an election.

Hope this is helpful.

Ray Martinez  
Chief of Staff and General Counsel  
Director, Senate Higher Education Committee  
Office of Senator Judith Zaffirini  
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**From:** Amber Hausenfluck  
**Sent:** Sunday, January 23, 2011 6:29 PM  
**To:** Harold Cook; David Edmonson  
**Cc:** Jason Hassay; Debra Gonzales; Steve Scheibal; Ray Martinez; Will Krueger; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever\_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith  
**Subject:** RE: Amendments request por favor?

Van de Putte discussed two additional amendments, although I'm not quite sure how to word them yet. Luis is working on it for me. These two potential amendments are:

1. Mandating the poll workers check ID's for the sole purpose of identity and not to check where one lives.
2. Prohibiting poll workers from denying a person the right to vote because their name on their ID does not exactly match up.

Amber Hausenfluck  
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**From:** Harold Cook [mailto:hc@haroldcook.com]  
**Sent:** Sunday, January 23, 2011 6:23 PM  
**To:** David Edmonson  
**Cc:** Jason Hassay; Debra Gonzales; Amber Hausenfluck; Steve Scheibal; Ray Martinez; Will Krueger; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever\_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith  
**Subject:** Re: Amendments request por favor?

actually group, #2 on David's list is important...when the Republicans vote against that amendment, whoever takes the lead in opposing pre-clearance will be able to show that the exact sort of data DoJ would most want to know about could have been gathered, but that the legislature rejected gathering it.

On Jan 23, 2011, at 5:40 PM, David Edmonson wrote:

As of right now, Sen. Ellis is concentrating on three amendments:

1. **Election day registration** - can register to vote at a polling place on election day
2. **Disparate impact report** - require the Secretary of State to produce an annual report determining whether the changes in law instituted via SB 14 produce a disparate impact on any population subgroups in our state. It would also make the effective date of SB 14 contingent upon a determination by the Secretary of State that there would not be a disparate impact on any group.
3. **Sunset dates** - a two year sunset date on SB 14. We're also drafting a traditional 12 year sunset. Not sure which he'll run with.

Thanks,  
David

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**From:** Harold Cook [mailto:hc@haroldcook.com]  
**Sent:** Sunday, January 23, 2011 5:36 PM  
**To:** Jason Hassay  
**Cc:** Debra Gonzales; Amber Hausenfluck; Steve Scheibal; Ray Martinez; David Edmonson; Will Krueger; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever\_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith  
**Subject:** Amendments request por favor?

Folks, if I could get a reply from each office on amendments each office has drafted for voter ID it might help the Senators' conference call more productive. No huge explanation necessary, just one sentence summaries?

On Jan 23, 2011, at 4:47 PM, Jason Hassay <[Jason.Hassay@senate.state.tx.us](mailto:Jason.Hassay@senate.state.tx.us)> wrote:

We did an informal break down but only have our notes in pencil. Will work on typing them up to share.

-Jason

**Jason Hassay**  
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**From:** Harold Cook [mailto:hc@haroldcook.com]  
**Sent:** Sunday, January 23, 2011 4:33 PM  
**To:** Debra Gonzales  
**Cc:** Amber Hausenfluck; Steve Scheibal; Ray Martinez; David Edmonson; Will Krueger; Jason Hassay; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever\_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith  
**Subject:** Re: VID Working Group: Question of a side by side comparison of SB 14 & SB 362

At least 2 Senators have asked this very question, so somebody should sure tackle that project.

On Jan 23, 2011, at 4:28 PM, Debra Gonzales <[Debra.Gonzales@senate.state.tx.us](mailto:Debra.Gonzales@senate.state.tx.us)> wrote:

Hello

I was wondering if anyone had already done a side by side comparison of SB 14 and SB 362 (senate engrossed version from the 81st)? If so...may I please have a copy?

If not I will be working on one and will share it if anyone wants a copy...

Thanks!



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Senator Gallegos  
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**From:** Harold Cook [mailto:hc@haroldcook.com]  
**Sent:** Saturday, January 22, 2011 6:06 PM  
**To:** Amber Hausenfluck; Steve Scheibal; Ray Martinez; Debra Gonzales; David Edmonson; Will Krueger; Jason Hassay; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever\_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith  
**Subject:** VID Working Group: add'l materials from Luis Figueroa

Luis Figueroa sent some requested items to several of the group so I wanted to share with all.

Begin forwarded message:

**From:** "Luis Figueroa" <lfigueroa@MALDEF.org>  
**Date:** January 22, 2011 5:33:42 PM CST  
**To:** "Harold Cook" <hc@haroldcook.com>, "David Edmonson" <David.Edmonson@senate.state.tx.us>, "Amber Hausenfluck" <Amber.Hausenfluck@senate.state.tx.us>, <richard.sooksiasian@senate.state.tx.us>  
**Cc:** "Laurie Vanhooose" <austintransplant@gmail.com>  
**Subject:** Additional materials for Voter ID Senate Committee hearing

Attached:

1) Crawford v. Marion County- Supreme Court ruling that upheld Indiana's strict voter id legislation.

Distinguishing points:

1) Texas is a section 5 state with a much larger minority population than Indiana

2) Indiana provided a 10 day cure period after the election where as SB 14 only provides 6 days

2) Texas Voting Rights Act Report page 8-13 describes the history of voting discrimination in Texas.

3) Deceptive Elections Flyer given to minority voters in Tarrant County in 2007. Example of fraud that is substantiated and unprosecuted because there is no law on the books to address.

4) Voter Id power point. Pages 4-8 layout the studies demonstrating impact of voter identification laws on minority electorate.

5) Maricopa County Analysis of Conditional Provisional Ballots in Arizona after their implementation of a voter id(proposition 200) that mirrored last year's Tx Senate Voter ID Bill (SB 364). Conditional Provisional Ballots were given to voters that lacked the ID documents in Arizona meaning these ballots are separate from regular provisional ballots.

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